IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8816 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MUNICIPAL AND PANCHAYAT EMPLOYEES UNION

Versus

KALOL MUNICIPALITY

Appearance:

MRS DT SHAH for Petitioners

MR MI PATEL for Respondent No. 1, 3

RULE SERVED BY DS for Respondent No. 2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 05/05/2000

ORAL JUDGEMENT

#. Ms.D.T.Shah, learned advocate for the petitioner. Mr.M.I.Patel, learned advocate for the respondent. The present petition is filed for the various reliefs. However, in an order dated 4.2.1998 it is stated that the learned advocate for the petitioner has confined the

grievance with respect only to the pension for the retired employees. It is also mentioned in the said order that with respect to other grievance made in the petition individual and separate petitions will be filed by the aggrieved persons. On 25.4.2000 the order was passed directing the Chief Officer & President of Kalol Municipality to remain personally present on 4.5.2000.

#. Yesterday i.e. 4.5.2000 only Chief Officer of the Municipality remained present and President was not present before the court and therefore the matter was kept today and it was orally directed that the President shall comply the order dtd.25.4.2000. Today the President of the Municipality is present. It is stated by the President that due to some personal unavoidable circumstances he could not remain present, he had sent massage through the Chief Officer that he will not be able to remain personally present on 4.5.2000. Mr.M.I.Patel, the learned advocate for Municipality states that the president of the Nagar Palika is given to understand that in future such lapse must not occur on the part of the president.

#. About the grievance pertaining to the pension is concerned it is stated that the pension for the month of February which ought to have been paid on the 1st March could be paid only in second week of April. The learned advocate for the petitioner submitted that the pension for the month of March and April is yet not paid though it ought to have been paid on 1st April and 1st May respectively.

#. Mr.M.I.Patel, the learned advocate for the respondent has used his good office and is able to convince Chief Officer and President of the Municipality that pension being the amount payable to the retired employees who do not have any other source of income the Municipality has agreed that it will see to it that pension is paid to the employees regularly as far as possible and so far as the pension for the month of March & April is concerned Mr.M.I. Patel on instruction from both, Chief Officer and the President of the Municipality makes a statement that the pension for the month of March will be paid within 10 days i.e. on or before 20.5.2000. So far as the pension for the month of April is concerned the same will also be paid by the end of this month i.e. 31.5.2000. In view of this statement the grievance of the petitioners will not survive. Mr.Patel reiterates that in future also the respondent Municipality will see that the pension is paid to the retired employees regularly so as to see that they are not put to undue

hardship as it is a matter of common knowledge that pension is the only source of income for the retired employees.

#. In view of the aforesaid statement made by Mr.Patel on instruction of his client the petition is allowed. Rule is made absolute to the aforesaid extent only with no order as to costs. D.S. is permitted.

kks